

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CSX TRANSPORTATION, INC
500 Water Street
Jacksonville, FL 32202-4423

Plaintiff'

 $V_{..}$

PORT ERIE PLASTICS, INC.
909 Troupe Road
Harborcreek, PA 16421

Defendant.

CIVIL ACTION

CASE NO. 05-139 Erie

ORDER

AND NOW, this day of , 2006, upon consideration of Plaintiff CSX Transportation, Inc.'s Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56 and the memoranda of law filed in support thereof and in opposition thereto, and upon determination that said motion be GRANTED,

IT IS HEREBY ORDERED that judgment is entered in favor of Plaintiff and against Defendant, Port Erie Plastics, Inc., on Plaintiff's claims herein

J